Rejections of Claims 1-2 Under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 102(e) as unpatentable over United States patent number 5,915,158, issued to Minagawa et al (hereinafter referred to as Minagawa). The Applicant has amended claim 1 to overcome the Examiners rejections.

In rejecting claim 1 the Examiner has relied upon teachings included in column 10, lines 49-67 and column 11, lines 1-26 of Minagawa. Minagawa, at column 11, lines 8-13, states that "[w]ith the reverse rotation of the motor 50, the discharge driving roller 32a is stopped by the one-way clutch 52, but the transport driving means 23 is driven in the reverse direction to send back the document Dn+1 left in the image scanning station RX toward the scanning reference point PX." The Examiner contends, on page 3 of the office action, that Minagawa teaches in this section that "[t]he process of bring[ing] the document to a stop inherently includes decelerating and coming to a complete stop, even if the deceleration is for a short period of time."

The applicant has amended claim 1 to include the limitations of " ***measuring first reflected light*** from a first section of the object that moves past an optical sensor ***during decelerating the object***". (emphasis added) The sections of Minagawa cited by the Examiner do not teach or suggest this limitation either explicitly or inherently. According to MPEP section 706.02, "for anticipation under 35 U.S.C. 102, ***the reference must teach every aspect of the claimed invention*** either explicitly or impliedly. Any feature not directly taught must be inherently present." (emphasis added) Because Minagawa does not teach or suggest this limitation, Minagawa does not anticipate the amended claim 1. Claim 2 incorporates the limitations of claim 1 by reference. Therefore, Minagawa does not anticipate claim 2. Accordingly, the Applicant respectfully requests withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. § 102(e).

Objections to Claims 3-12

The Examiner has objected to claims 3-12 as dependent upon rejected claims but has indicated that these claims would be allowable if rewritten to include the limitations of claims 1-2. The Applicant respectfully requests that a final decision on these claims is held in abeyance until a decision is reached on the allowability of claims 1 and 2.

Conclusions

The Applicant respectfully submits that the amendment to claim 1 has placed the application in a condition for allowance. Such action is respectfully requested.

Respectfully submitted,
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VERSION OF THE AMENDED CLAIMS SHOWING THE CHANGES

1. (currently amended) A method for using a scanning device, comprising:

decelerating an object from moving at a first substantially constant speed [to a stop];

measuring first reflected light from a first section of the object that moves past an optical sensor during decelerating the object;

causing relative movement between the object and an optical sensor; and

measuring second reflected light from [a] the first section of the object [that moved past the optical sensor during decelerating the object].

2. (currently amended) The method as recited in clam 1, further comprising:

generating a first set of data from measuring the first reflected light[.] and generating a second set of data from measuring the second reflected light.

4. (currently amended) The method as recited in claim 3, further comprising:

[measuring the reflected light from the first section of the object during decelerating the object to generate a second set of data; and]

replacing the [second] first set of data with the [first] second set of data.

6. (currently amended) The method as recited in claim 5, further comprising:

[measuring the reflected light from the object during decelerating the object to generate a second set of data; and]

replacing the [second] first set of data with the [first] second set of data.

8. (currently amended) The method as recited in claim 7, further comprising:

measuring [the] third reflected light from a second section of the object corresponding to the acceleration distance of the object that the optical sensor moved past when moving the first distance and the second distance.

9. (currently amended) The method as recited in claim 8, further comprising:

[measuring the reflected light from the first section of the object during decelerating the object to generate a second set of data; and]

replacing the [second] first set of data with the [first] second set of data.

11. (currently amended) The method as recited in claim 10, further comprising:

measuring [the] third reflected light from a second section of the object corresponding to the acceleration distance of the object that the optical sensor moved past when moving the first distance and the second distance.

12. (currently amended) The method as recited in claim 11, further comprising:

[measuring the reflected light from the objecting during decelerating the object to generate a second set of data; and]

replacing the [second] first set of data with the [first] second set of data.